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ANGEL GARCIA,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Defendants.  
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08 CV 3900 (HB)

ORDER

Hon. HAROLD BAER, JR., District Judge:

WHEREAS on April 2, 2008, Petitioner Angel Garcia ("Petitioner") filed a petition to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255; and

WHEREAS on January 15, 2009, this Court entered an Opinion and Order denying the petition; and

WHEREAS as part of its order denying the petition, this Court certified pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, *see Coppedge v. United States*, 369 U.S. 438 (1962); and

WHEREAS on March 9, 2009 Petitioner wrote a letter to the Clerk of this Court expressing his wish to appeal the Court's order denying his petition; and


WHEREAS this Court liberally construes the March 9, 2009 letter as a notice of appeal and application for certificate of appealability; it is hereby

ORDERED that, as petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue, *see* 28 U.S.C. § 2253; *Lozada v. United States*, 107 F.3d 1011 (2d Cir. 1997), *abrogated on other grounds, United States v. Perez*, 129 F.3d 255, 259-60 (2d Cir. 1997); and it is further

ORDERED that Petitioner may renew his request for certificate of appealability to the United States Court of Appeals for the Second Circuit, *see Sato v. United States*, 185 F.3d 48, 51 n.3 (2d Cir. 1999).

SO ORDERED.

New York, New York  
March 27, 2009

  
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HAROLD BAER, JR.  
United States District Judge